IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

COMPANY PETITION NO.221 OF 2003

Sandvik Asian Ltd. Petitioners

vs.

Dadhe Construction Pvt.Ltd. Respondents

Ms.Savita Sadanand i/by. M/s.Hariani & Co. for the petitioners.

None for the respondents.

CORAM : ANOOP V. MOHTA,J.

DATED : 9th August, 2007

P.C.

The petitioners have invoked the provision of Sections 433 and 434 of the Companies Act, 1956 as inspite of duly served statutory notice on 22.4.2002, the respondent-company failed to make the payment of the amounts due.

2. The Company did not reply and/or deny the said liability at any point of time. The petitioners therefore have filed the present petition.

3. The respondent-company though served, failed to reply/respond to the averments made in the present petition as well as statutory notice as referred above.

4. There is admission in so far as the liability to the tune of Rs.10,10,000/- as recorded by the Court while admitting the petition on 13.10.2003. The affidavit of service dated 13.10.2003 is part of the record.

5. Even after advertisement, none appeared for the respondent-company. Affidavit of compliance dated 26th July, 2007 in compliance of order dated 13.10.2003 is also part of the record.

6. Taking all this into account, the fact remains that the company failed to respond to the averments made. The uncontroverted averments, therefore, in the facts and circumstances of the case, are sufficient to grant the petition as prayed. The claim as raised is also within limitation.

7. Resultantly, the petition is allowed in terms of prayers (a) and (b). No order as to costs.

[ANOOP V. MOHTA,J.]